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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR-07-0473-PJH
	)	
Plaintiff,	)	DEFENDANT DONALD CLYBURN'S
	)	MEMORANDUM REGARDING REMAND
Vs.	)	AFTER ENTRY OF GUILTY PLEA
	)	
DONALD CLYBURN,	)	Honorable Phyllis J. Hamilton
	)	
Defendant.	)	February 27, 2008 @ 2:30 p.m.
	)	
	)	
	)	

Defendant Donald Clyburn, by and through his attorney, Steven F. Gruel, hereby submits this  
Memorandum Regarding Remand After Entry of Guilty Plea.

MEMORANDUM

The Court issued its Order requiring both parties to state their respective positions with  
regard to the issue of whether "exceptional circumstances" existed in this case so as to permit  
Mr. Clyburn's continued release after his guilty plea to the indictment.

DEFENDANT DONALD CLYBURN'S MEMORANDUM  
REGARDING REMAND AFTER ENTRY OF GUILTY PLEA

1 Since the Court's order, the parties, along with the United States Marshals, have had several  
2 discussions regarding safety issues surrounding Mr. Clyburn's remand into custody. As a result  
3 of these discussions, the following is respectfully submitted:

- 4 1. The nature of the offense and Mr. Clyburn's past profession require certain safety  
5 precautions once incarcerated;
- 6 2. Mr. Clyburn is prepared to surrender into custody at the time of his guilty plea on  
7 February 27, 2008;
- 8 3. The U.S. Marshals have assured counsel that for safety reasons Mr. Clyburn will be  
9 placed into custody at FCI Dublin – administrative segregation;
- 10 4. Consequently, and in light of the above, at the time of his guilty plea, Mr. Clyburn will  
11 not oppose remand into custody at FCI Dublin to await sentencing and BOP  
12 designation.
- 13 5. Notwithstanding the above efforts to arrange placement at Dublin, if for some reason  
14 Mr. Clyburn cannot be placed at Dublin, the parties have agreed to postpone the change  
15 of plea one week. This will allow Mr. Clyburn the time to revisit the issue of whether  
16 "exceptional circumstances" exist in this case.

17 Dated: 02/20/08

18 /s/ \_\_\_\_\_  
19 STEVEN F. GRUEL  
20 Attorney for Donald Clyburn  
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DEFENDANT DONALD CLYBURN'S MEMORANDUM  
REGARDING REMAND AFTER ENTRY OF GUILTY PLEA